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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/871,415   | 05/30/2001  | Stephen G. Perlman   | 04259P070           | 9275             |
| 7590   | 07/02/2004  |                      | EXAMINER            |                  |
| Thomas C. Webster<br>BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP<br>Seventh Floor<br>12400 Wilshire Boulevard<br>Los Angeles, CA 90025-1026 |             |                      | MOORTHY, ARAVIND K  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2131                |                  |
| DATE MAILED: 07/02/2004  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/871,415

Applicant(s)

PERLMAN, STEPHEN G.

Examiner

Aravind K Moorthy

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☒ Claim(s) 47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/29/03, 10/28/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. Claims 1-55 are pending in the application.
2. Claims 1-55 have been rejected.

#### *Claim Objections*

3. Claim 47 is objected to because of the following informalities: misspelling. The word "or" has been misspelled as "ore". Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 50 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 50 depends upon claim 63. However, there is no claim 63. This makes it unclear as to what claim 50 depends upon. Therefore, for the sake of examining the examiner assumes that claim 50 depends upon claim 41.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**5. Claims 1-4, 8-19, 29-32, 36-44 and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamilton et al U.S. Patent No. 5,504,816.**

As to claims 1 and 29, Hamilton et al discloses a computer-implemented method for processing multimedia channels comprising:

encrypting a first group of multimedia channels using a first type of encryption to produce a first group of encrypted multimedia channels,

encrypting the first group of multimedia channels using a second type of encryption to produce a second group of encrypted multimedia channels,

concurrently transmitting the first group of encrypted multimedia channels with the second group of multimedia channels to a plurality of multimedia subscribers having multimedia receivers capable of decrypting the first group of encrypted multimedia channels and/or the second group of multimedia channels [column 5, lines 14-65].

As to claims 2, 18, 30 and 42, Hamilton et al discloses that the first type of encryption is standard conditional access ("CA") encryption [column 6, lines 7-24].

As to claims 3, 19, 31 and 43, Hamilton et al discloses that the second type of encryption is digital video broadcast ("DVB") encryption [column 5, lines 26-49].

As to claims 4 and 32, Hamilton et al discloses that the first group of multimedia channels are subscription based channels [column 3, lines 51-62].

As to claims 8 and 36, Hamilton et al discloses that the method further comprises:

transmitting a second group of multimedia channels in an unencrypted format

[column 7, lines 2-21].

As to claims 9 and 37, Hamilton et al discloses that the second group of multimedia channels are basic cable channels and the first group of multimedia channels are subscription-based cable channels [column 3, lines 51-62].

As to claims 10 and 38, Hamilton et al discloses that the method further comprises:

encrypting a first subset of the basic cable channels using the first type of encryption to produce a first group of encrypted basic cable channels;

encrypting the first subset of the basic cable channels using the second type of encryption to produce a second group of encrypted basic cable channels; and

concurrently transmitting the first group of encrypted basic cable channels with the second group of encrypted basic cable channels to the plurality of multimedia subscribers [column 5, lines 14-65].

As to claims 11 and 39, Hamilton et al discloses that the method further comprises:

transmitting a second subset of the basic cable channels in an unencrypted format [column 7, lines 2-21].

As to claims 12 and 40, Hamilton et al discloses that the method further comprises:

regularly transferring channels from the first subset of basic cable channels to the second subset of basic cable channels and channels from the second subset of basic cable to the first subset of basic cable channels [column 6, lines 25-33].

As to claim 13, Hamilton et al discloses a method comprising:

receiving a plurality of channels from content providers at a cable headend;  
simulcasting premium cable channels to a plurality of subscribers in both a first encrypted format and a second encrypted format; and  
transmitting non-premium channels to the plurality of subscribers in a non-encrypted format [column 5, lines 14-65].

As to claim 14, Hamilton et al discloses that the method further comprises:

simulcasting a first subset of the non-premium cable channels to the plurality of subscribers in the first encrypted format and the second encrypted format [column 5, lines 14-65].

As to claim 15, Hamilton et al discloses that the method further comprises:

transmitting a second subset of the non-premium channels to the subscribers in an unencrypted format [column 7, lines 2-21].

As to claim 16, Hamilton et al discloses that the method further comprises:

regularly transferring channels from the first subset of non-premium cable channels to the second subset of non-premium cable channels and channels from the second subset of non-premium cable to the first subset of non-premium cable channels [column 6, lines 25-33].

As to claim 17, Hamilton et al discloses transmitting channel mapping data to the subscribers identifying non-premium channels in the first subset and in the second subset [column 4, lines 21-32].

As to claim 41, Hamilton et al discloses A headend system for processing multimedia streams comprising:

- a first encryption module to encrypt a first plurality of multimedia streams using a first type of encryption; and

- a second encryption module to encrypt the first plurality of multimedia streams using a second type of encryption [column 5, lines 14-65]; and

- a quadrature amplitude modulation module to modulate the first plurality of multimedia streams and a second plurality of unencrypted multimedia streams for transmission to a plurality of multimedia subscribers having multimedia receivers capable of decrypting the first plurality of multimedia channels encrypted using either the first type of encryption or the second type of encryption [column 4, lines 49-64].

As to claim 44, Hamilton et al discloses that the first plurality of multimedia streams are premium cable channels [column 3, lines 51-62].

As to claim 47, Hamilton et al discloses that the headend system is a centralized uplink facility for broadcasting the first plurality of encrypted multimedia streams and the second plurality of unencrypted multimedia streams to two or more other headend systems, the two or more other headend systems to broadcast the first plurality of encrypted multimedia streams and the second plurality of unencrypted multimedia streams to the plurality of multimedia subscribers [column 5, lines 49-65].



As to claim 48, Hamilton et al discloses that the centralized uplink facility only encrypts the first plurality of multimedia streams using the second type of encryption and wherein the first type of encryption is performed at the two or more other headend systems [column 6, lines 7-33].

As to claim 49, Hamilton et al discloses that the first type of encryption is standard CA encryption and the second type of encryption is an alternate form of encryption [column 6, lines 7-33].

**6. Claims 23-28, 51 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al U.S. Patent No. 6,507,907 B1.**

As to claim 23, Takahashi et al discloses a method for deploying new multimedia receiver apparatuses comprising:

- encrypting channels using both conditional access ("CA") encryption and a different form of encryption; and

- simulcasting the channels encrypted in both CA encryption and the different form of encryption;

- the channels encrypted using the different form of encryption being decryptable by the new multimedia receiver apparatuses and the channels encrypted using the CA encryption being decryptable by other multimedia receiver apparatuses [column 4 line 18 to column 5 line 28].

As to claim 24, Takahashi et al discloses that the method further comprises:

- transmitting a specified group of channels using no encryption [column 6, lines 45-57].

As to claim 25, Takahashi et al discloses that the specified group of channels are basic cable channels and the channels being simulcast are premium channels [column 2, lines 47-63].

As to claim 26, Takahashi et al discloses that the method further comprises:

encrypting a portion of the specified group of channels using both CA encryption

and a different form of encryption; and

simulcasting the portion encrypted using CA encryption and the portion encrypted using the different form of encryption [column 4 line 18 to column 5 line 28].

As to claim 27, Takahashi et al discloses that the different form of encryption is digital video broadcast ("DVB") encryption [column 2, lines 47-63].

As to claim 28, Takahashi et al discloses that the method further comprises:

regularly modifying channels included within the portion [column 2 line 64 to column 3 line 11].

As to claim 51, Takahashi et al discloses a system comprising:

a centralized uplink facility to receive a first plurality of multimedia streams from content providers and to encrypt the first plurality of multimedia streams using a first type of encryption; and

a plurality of headend systems to receive the first plurality of multimedia streams encrypted using the first type of encryption and to simulcast the first plurality of multimedia streams using both the first type of encryption and a second type of encryption, the first plurality of multimedia streams encrypted using the second type of encryption at either the centralized uplink facility or at the headend systems [column 4 line 18 to column 5 line 28].

As to claim 52, Takahashi et al discloses that the first plurality of multimedia streams are encrypted using the second type of encryption at each of the plurality of headend systems [column 4 line 18 to column 5 line 28].

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***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 5-7, 20-22, 33-35, 45, 46, 36 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton et al U.S. Patent No. 5,504,816 as applied to claims 1, 13, 29 and 41 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.**

As to claims 5-7, 20-22, 33-35, 45, 46, 36 and 50, Hamilton et al does not teach that the method further comprises compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. Hamilton et al does not teach that the first compression type is MPEG-2. Hamilton et al does not teach that the second compression type is MPEG-4. Hamilton et al does not teach a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

Traw et al teaches compressing a first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second

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compression type. Traw et al teaches that the first compression type is MPEG-2. Traw et al teaches that the second compression type is MPEG-4. Traw et al teaches a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamilton et al so that the method further comprised compressing the first group of encrypted multimedia channels using a first compression type and the second group of encrypted multimedia channels using a second compression type. The first compression type would have been MPEG-2. The second compression type would have been MPEG-4. There would have been a first decompression module to decompress one or more of the first plurality of multimedia streams previously compressed by content providers using the first compression type and to transmit the one or more multimedia streams to the second compression module for re-compression using the second compression type.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Hamilton et al by the teaching of Traw et al because using compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].

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**8. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al U.S. Patent No. 6,507,907 B1 as applied to claim 51 above, and further in view of Traw et al U.S. Patent No. 6,542,610 B2.**

As to claims 53-55, Takahashi et al does not teach that a centralized uplink facility is further configured to compress the first plurality of multimedia channels using a first type of compression and the plurality of headend systems simulcast the first plurality of streams using both the first type of encryption with the first type of compression and a second type of encryption with a second type of compression. Takahashi et al does not teach that the first plurality of multimedia streams are compressed using the second type of compression at each of the plurality of headend systems. Takahashi et al does not teach that the centralized uplink facility is further configured to decompress one or more of the first plurality of multimedia previously compressed by content providers using the second type of compression and recompress the one or more of the first plurality of multimedia channels using the first type of compression.

Traw et al teaches a centralized uplink facility is further configured to compress the first plurality of multimedia channels using a first type of compression and the plurality of headend systems simulcast the first plurality of streams using both the first type of encryption with the first type of compression and a second type of encryption with a second type of compression. Traw et al teaches that the first plurality of multimedia streams are compressed using the second type of compression at each of the plurality of headend systems. Traw et al teaches that the centralized uplink facility is further configured to decompress one or more of the first plurality of multimedia previously compressed by content providers using the second type of compression

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and recompress the one or more of the first plurality of multimedia channels using the first type of compression [column 4, lines 3-65].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Takahashi et al so that that a centralized uplink facility would have been configured to compress the first plurality of multimedia channels using a first type of compression and the plurality of headend systems simulcast the first plurality of streams using both the first type of encryption with the first type of compression and a second type of encryption with a second type of compression. The first plurality of multimedia streams would have been compressed using the second type of compression at each of the plurality of headend systems. The centralized uplink facility would have been configured to decompress one or more of the first plurality of multimedia previously compressed by content providers using the second type of compression and recompress the one or more of the first plurality of multimedia channels using the first type of compression.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Takahashi et al by the teaching of Traw et al because using compression types of MPEG-2 and MPEG-4 provides good broadcast quality and provides low bandwidth video [column 4, lines 3-7].

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*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy  
June 23, 2004

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100